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**FISCAL IMPACT STATEMENT**

**LS 6915**

**BILL NUMBER:** SB 209

**NOTE PREPARED:** May 1, 2009

**BILL AMENDED:** Apr 29, 2009

**SUBJECT:** Various Election Law Matters.

**FIRST AUTHOR:** Sen. Young R Michael

**FIRST SPONSOR:** Rep. Battles

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Inspection of Provisional Ballot Materials-* The bill requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. The bill provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential.

*Explanation of Provisional Ballot-* The bill requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. The bill requires the Election Commission (EC) to prescribe the form of the explanation.

*Circuit Court Clerk Notification-* The bill requires the circuit court clerk of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot.

*Mailing of Notices-* The bill requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. The bill requires

the notice to be in a form prescribed by the EC.

*List of Provisional Voters-* The bill requires the county election board (CEB) to provide a list of the names and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request.

The bill provides that a person required to give notice to a voter relating to the voter's provisional ballot who knowingly or intentionally fails to do so commits a Class C infraction.

*Public Access to Provisional Voting-* The bill requires the circuit court clerk and the Secretary of State (SOS) to compile and make public certain information about provisional voting.

*Vote Centers and Absentee Ballots-* The bill provides that a voter who is a resident of a vote center county (VCC) is entitled to cast an absentee ballot by mail.

*Satellite Offices Without Unanimous CEB Approval-* The bill removes the requirement that a CEB may establish satellite offices only by the unanimous vote of the CEB's members.

*Additional Vote Center Pilot County-* The bill designates Johnson County as a vote center pilot county if it meets all the other requirements to be a vote center county. The bill requires a vote center pilot county to establish at least one satellite office for absentee voting. The bill repeals P.L.108-2008, SECTION 4, which authorizes the SOS to designate an additional vote center county.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Explanation of Provisional Ballot-* The EC would be able to prescribe an affidavit and notice forms within the course of a regular business meeting. If completely accessible electronically, the ED would have minimal, if any, expenditures from printing the affidavit and notice forms.

*Public Access to Provisional Voting-* This provision should present a negligible impact to the SOS. The SOS currently provides the number of provisional ballots cast and counted. (The most recent available provisional counts are from the 2006 general election.)

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Explanation of Provisional Ballot-* This provision should minimally impact precinct or absentee voter board expenditures.

*Mailing of Notices-* Clerks could choose to mail notices to persons casting a provisional ballot. If notices were mailed at the standard first class postage rate, the cost could range from \$0.27 (postcard) to \$0.42 (letter) per notice depending on the size of the form. During the 2006 general election, 3,873 provisional ballots were cast in Indiana. Of the number cast, 2,701, or 69.7%, were counted. The 2008 election results for provisional ballots are not currently available.

*List of Provisional Voters-* If not already compiled, county election boards would be able to compile the required information with negligible expense.

*Public Access to Provisional Voting-* Circuit court clerks would be able to compile and prepare for public

display provisional ballot information within existing resources.

*Vote Centers and Absentee Ballots-* Counties with vote centers may need to have extra absentee ballots on hand. This provision should have a minimal impact to local expenditures.

*Satellite Offices Without Unanimous CEB Approval-* The impact of this provision is indeterminable and would depend on CEB action. Theoretically, the provision would make it easier for counties to establish satellite offices. Expenditures could include facility rental, payment of staffing personnel, and ballot printing costs.

*Additional Vote Center Pilot County-* Johnson County would have to establish vote centers as the primary means of voting. Additionally, the county would have to establish at least one satellite voting office. The impact of this provision is unknown and would depend on the number of centers established and the equipment purchased to carry out this provision.

Before Johnson County could be allowed vote center status, the county would have to comply with all vote center requirements under current law.

#### Background Information:

**Absentee Voters-** The statewide total absentee voting percentage was 24% in the 2008 general, 11% in the 2008 primary, and 10% in the 2006 general elections.

**Vote Centers-** Tippecanoe County paid their vote center inspectors \$170 per day during the 2007 election, partially to include increased training time (four hours), versus \$160 for a conventional election. Two of the larger expenditures for Tippecanoe County included \$10,750 for electronic polling software and mail voter postcards at \$12,465.

#### **Explanation of Local Revenues:**

**State Agencies Affected:** Election Commission, Election Division.

**Local Agencies Affected:** Precinct election boards, absentee voter boards, circuit court clerks, county election boards; trial courts, local law enforcement agencies.

**Information Sources:** Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*; Indiana Office of Secretary of State (Election Division); Linda Phillips, Tippecanoe County Circuit Court Clerk.

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